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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,272	10/31/2000	Paul G. Allen	4000.2.4	9000

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EXAMINER

DESIR, JEAN WICEL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/703,272

Applicant(s)

ALLEN ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11, 12, 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 17, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruck et al (6,008,836).

#### **Claim 1:**

Bruck discloses:

“a display area for displaying broadcast television and internet related content”, see Fig. 3 item 62 which is a display area as claimed;

“a personalized category area which includes a plurality of personalized content categories and which provides access to content in those personalized content categories”, see left area of the display area 62 of Fig. 3 which is a personalized category area as claimed;

“a personal monitoring area for monitoring a plurality of types of personal communications and for providing access to interfaces for those types of personal communications”, see top area of the display area 62 of Fig. 3 which is a personal monitoring area as claimed.

Claims 2, 17, 19 are disclosed, see Fig. 4A.

Claim 3, Bruck discloses:

“a first side of the display area along which the personalized category area is aligned”, see left side of the display area 62 of Fig. 3 which is a first side as claimed;

“a second side of the display area along which the personal monitoring area is aligned”, see top side of the display area 62 of Fig. 3 which is a second side as claimed;

“wherein the first and second sides are perpendicular to each other so as to form a L-shaped configuration” see Fig. 3 which clearly shows that the first side and second side are perpendicular and they form a L-shaped configuration as claimed.

Claims 4-6 are disclosed, see Fig. 1B item 11 which shows an input device (a remote control) having a first pair of arrows, a second pair of arrows, where switching occurs automatically, as claimed in claims 4-6.

***Response to Arguments:***

Applicants argue that “There is no teaching or suggestion in Bruck that the graphics and text field 62 may be used to display broadcast television content, as required by the claim 1” (REMARKS page 8 last paragraph”. This argument is not persuasive. Because Fig. 3 illustrates the Home page of a WebTV network service that uses a television set as display device. Thus Fig. 3 is capable of displaying broadcast television and Internet content as claimed.

On page 9, first and third paragraphs, of the REMARKS, Applicants argue features that are not in the claims. These arguments are not persuasive because the specification is not the measure of invention. Therefore, limitations contained therein

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can not be read into the claims for the purpose of avoiding the prior art. See *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Bruck teaches the limitation as claimed, because the left area of the display area 62 of Fig. 3 shows “a personalized category area which includes a plurality of personalized content categories and which provides access to content in those personalized content categories”.

On page 10, second paragraph, of the REMARKS, Applicants argue that “There is no teaching, hint, or suggestion of a mechanism for notifying a user of an incoming personal communication or providing any other type of monitoring function”. This argument is not persuasive, because this feature is not claiming in claim 1 as argued by the Applicants. And also no “email and instant messaging” is claiming in claim 1 either. The claimed limitation “a personal monitoring area for monitoring a plurality of types of personal communications and for providing access to interfaces for those types of personal communications” is taught by the top area of the display area 62 of Fig. 3. For instance Mail, Favorites, Explore, Search provide monitoring a plurality of types of personal communications as claimed in claim 1.

3. Claims 1-6, 17, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al (6,219,042).

**Claim 1:**

Anderson discloses:

“a display area for displaying broadcast television and internet related content”, see Fig. 3 display area labels WEB CONTENT and TV PICTURE;

"a personalized category area which includes a plurality of personalized content categories and which provides access to content in those personalized content categories", see left area of the display area labels WEB CONTENT and TV PICTURE of Fig. 3;

"a personal monitoring area for monitoring a plurality of types of personal communications and for providing access to interfaces for those types of personal communications", see top area of the display area labels WEB CONTENT and TV PICTURE of Fig. 3.

Claims 2, 17 are inherent to Anderson's disclosure.

Claim 19 is disclosed, see col. 4 lines 48-49.

Claim 3 is disclosed, see Fig. 3 which shows: a first side (the left area as pointed out above), a second side (the top area as pointed out above), they are perpendicular and they form a L-shaped configuration, as claimed in claim 3.

Claims 4-6 are disclosed, see Fig. 6 which shows an input device (a remote control) having a first pair of arrows, a second pair of arrows, where switching occurs automatically, as claimed in claims 4-6.

***Response to Arguments:***

On page 10, last paragraph, of the REMARKS, Applicants argue that "Anderson fails to disclose or even suggest a category area that is personalized, either in terms of being user-configurable or by providing customized information based on the user or the user's location". The examiner acknowledges with thanks the Applicants' explanation of the feature "a category area that is personalized". However, the claimed feature is

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totally different from the applicants' explanation. In other words, Applicants argue limitations that are not in the claims. These arguments are not persuasive because the specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. See *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Anderson teaches the limitation as claimed and as pointed out above; because the left area as pointed out in the rejection of claim 1 is a personalized category area as claimed - for instance Switch User, Community, Using WebTV, TV Home are personalized content categories, they are personalized to the user; and the Applicants appear to be agreed with that, because the Applicants explain that Using WebTV button provide help to the user (REMARKS page 10 last line).

On page 11, second paragraph, of the REMARKS, Applicants argue that "There is no teaching or suggestion of notifying a user of incoming personal communications or performing any other monitoring function". This argument is not persuasive, because this feature is not claiming in claim 1 as argued by the Applicants. And also no "email and instant messaging" is claiming in claim 1 either. The claimed limitation "a personal monitoring area for monitoring a plurality of types of personal communications and for providing access to interfaces for those types of personal communications" is taught by the top area of the display area of Fig. 3 as pointed out in the rejection of claim 1. For instance Mail, Favorites, Explore, Search provide monitoring a plurality of types of personal communications as claimed in claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (6,219,042) and DeSimone et al (6,212,548).

Claims 9-13, 16, are not explicitly disclosed by Anderson. However, Anderson would have rendered the claimed invention obvious. Because the claimed limitations are directed to message configurations, email or instant message configurations, over the Internet; Anderson's system provides interface for an Internet-enabled television system that gives access, inter alia, to mail configuration; and email and instant messaging configurations are very well known in the art as evidence DeSimone is provided. Thus, a modification of Anderson's disclosure to arrive at the claimed invention would have been obvious to an artisan at the time the invention was made.

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (6,219,042) and Bennington et al (6,418,556).

Claims 14, 15 are not explicitly disclosed by Anderson. However, Anderson would have rendered the claimed invention obvious. Because Anderson discloses planner configuration for TV programming schedule (see Anderson at col. 4 lines 62-63) and reminder message is a very well known procedure in the art (as evidence see Bennington at col. 12 line 55 to col. 13 line 14). Thus, a modification of Anderson's



disclosure to arrive at the claimed invention would have been obvious to an artisan at the time the invention was made.

7. Claims 18, 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al (6,219,042).

Claim 18 is not explicitly disclosed by Anderson. However, Anderson would have rendered the claimed invention obvious. Because Anderson system is an Internet-enabled television system and it is well known in the field of Internet-enabled television system to display content related to a user's geographic location as claimed. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

**Claim 20:**

Anderson discloses:

“a display area for displaying broadcast television and internet related content”, see Fig. 3 display area labels WEB CONTENT and TV PICTURE;

“a user-customizable category are which includes a plurality of content categories and which provides access to content in those content categories; a content area for displaying content personalized to a particular user in a selected content category” see left area of the display area labels WEB CONTENT and TV PICTURE of Fig. 3, Fig. 2, col. 4 lines 45-65;

“a personal monitoring area for monitoring personal communications, and for providing access to an interface for receiving incoming communications” see top area of the display area labels WEB CONTENT and TV PICTURE of Fig. 3;

“for notifying a user concerning incoming communications” is not explicitly disclosed, verbatim, by Anderson. However, Anderson would have rendered the claimed invention obvious to an artisan. Because Anderson system is an Internet-enabled television system capable of receiving incoming communications and it is well known in the field of Internet-enabled television system to notify a user concerning incoming communications. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 21 is disclosed, see Fig. 3 item 94.

Claims 22, 23 are rejected for the same reasons as claims 14, 15.

Claim 24 is rejected for the same reasons as claim 16.

Claim 25 is disclosed, see for instance, Fig. 3 item Switch User, Fig. 2 item TV Favorites.

Claim 26 is rejected for the same reasons as claim 18.

**Claim 27** is rejected for the same reasons as claims 20, 3, 4, and 6

### ***Allowable Subject Matter***

8. Claims 7, 8 are allowed.

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jean W. Désir** whose telephone number is (703) 308-9571.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at (703) 305-4795.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306 0377.

**JWD**

**Jul. 22, 02**

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**